

**OFFICIAL**

**LAW OFFICES OF  
McGINN & GIBB, PLLC**

A PROFESSIONAL LIMITED LIABILITY COMPANY  
PATENTS, TRADEMARKS, COPYRIGHTS, AND INTELLECTUAL PROPERTY LAW  
8321 OLD COURTHOUSE RD. SUITE 200  
VIENNA, VA 22182  
TELEPHONE: (703) 761-4100  
FACSIMILE/DATA: (703) 761-2375; 2376  
E-MAIL: MCGINNGIBB @ AOL.COM

SEAN M. MCGINN  
PHILLIP E. MILLER†  
FREDERICK E. COOPERRIDER†  
PETER A. BALNAVE, Ph.D.  
FREDRIC J. ZIMMERMANT†  
JAMES E. HOWARD†  
KENDAL M. SHEETS  
CHRISTOPHER M. MCGINN\*  
†MEMBER OF BAR OTHER THAN VA  
\*PATENT ENGINEER (NON-ATTORNEY)

ANNAPOLIS, MD OFFICE  
FREDERICK W. GIBB, III  
MOHAMMAD S. RAHMANT†  
LAWRENCE A. SCOTT†

January 23, 2003

**VIA FACSIMILE**

To: Examiner Alanko, Anita K.  
Group Art Unit No. 1765  
U.S.P.T.O.

Facsimile No.: (703) 872-9311

From: Sean M. McGinn

Facsimile No.: (703) 761-2375 or 2376

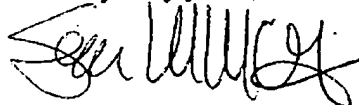
Re: Enclosed § 1.116 Amendment  
U.S. Patent Application Serial No. 09/695,028  
Our Ref: BUR.089

Dear Examiner Alanko:

Pursuant to our conversation today, enclosed is an After-Final Response which should place the above-referenced case in condition for allowance.

Thank you in advance for your consideration on this case.

Very truly yours,



Sean M. McGinn

SMM/wdc  
Enclosure  
Total No. of Pages Transmitted: 8

**FAX RECEIVED**  
JAN 24 2003  
GROUP 1700

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Jason M. Benz

Serial No.: 09/695,028

Group Art Unit: 1765

Filed: October 24, 2000

Examiner: Alanko, Anita K.

For: METHOD FOR THIN FILM LASER REFLECTANCE CORRELATION FOR  
SUBSTRATE ETCH ENDPOINTHonorable Commissioner of Patents  
Washington, D.C. 20231  
BOX AFRESPONSE UNDER 37 C.F.R. §1.116

Sir:

In response to the Office Action dated November 21, 2002, please consider the following remarks in the above-identified application:

REMARKS

Claims 1-33, all the claims presently pending in the application, stand rejected under §112, first paragraph, on the ground that allegedly there is no support for isolating the reflective material from an etching process as defined by independent claim 1 (and similarly independent claims 12 and 24) and that the claim amendments of October 9, 2002, "are new matter".

This rejection is respectfully traversed in view of the following discussion.

**I. THE CLAIMED INVENTION**

Prior to discussing the §112, first paragraph rejection of the claims, Applicant notes for the Examiner that the invention, as defined for example in independent claim 1 (and substantially similarly in independent claims 12 and 23) is directed to a method of etching a substrate which includes measuring a reflectance signal from a reflective material deposited on the substrate as the substrate is being etched.

FAX RECEIVED  
JAN 24 2003  
GROUP 1700